

REMARKS

Favorable consideration and allowance of the application is respectfully requested.

Claims 9-16 were in the application, claim 9 is currently amended.

Claims 1, 2 (9, 10) and 5-8 (13-16) were rejected as being obvious over Dysarz, U.S. Patent No. 4,065,934 in view of British Patent Application No. GB 2,120,607 (GB '607).

Claim 9 has been amended to clarify that the support legs are engaged to the ship, and that the displacement means adjust the legs for lifting the ship attached thereto to such an extent that waves up to a certain preselected size do not destabilize the ship during the handling and placing of the structure by the crane, with the bottom of the ship remaining below the sea surface. Support for this is found in the specification, P. 2, L. 23-27, P. 7, L. 7-24, P. 9, L. 1-10, L. 19-20.

In order to uphold a finding of obviousness, there must be some teaching, suggestion or incentive for doing what the applicants have done. A.C.S. Hospital Sys'ts. Inc. V. Montifiori Hospital, 723 F.2d 1572 (Fed. Cir. 1984). It is not within the framework of 35 U.S.C. § 103 to pick and choose from the prior art only so much as will support a holding of obviousness to the exclusion of other parts necessary for a full appreciation of what the prior art teaches or suggests, as hindsight is not the test. In re Wesslau, 353 F. 2d 238 (CCPA 1965).

"[C]iting references which merely indicate that isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. That is to say, there should be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention." Ex parte Hiyamizu, 10 U.S.P.Q. 2d. 1393 (POBA 1988).

Dysarz describes a known drilling rig for off shore use comprising a triangular truss rig

with leg structures located at each corner. To transport the rig to a work site, the rig is lifted above the sea surface so that a ship can approach and sail between two of the legs, the rig then lowered onto the ship and secured thereto. Delivery then proceeds by the reverse procedure, that is, the legs extend to lift the rig off the ship, which then sails out from under the rig.

At no time is the ship itself lifted and stabilized, nor are the legs engaged to the ship. At all times they remain connected to the structure to be mounted, the rig, not the transport vessel, the ship.

The opposite is true of the claimed invention. The ship has legs mounted thereto so that the ship can be stabilized for mounting structures. At no time need the ship be suspended above the water surface, as is the rig of Dysarz. Rather, the ship is lifted only to the extent necessary to stabilize the ship to maintain an even plane during operation of the crane, which may be about 5% of the ship's displacement as stated in the specification (P. 9, L. 19-20).

In Dysarz, load balance is achieved by careful positioning of the ship beneath the structure which is then lowered onto the ship.

In the applicant's invention, a crane for positioning a structure away from the ship as shown in Fig. 1 for example, will necessarily change the loading on the ship, and a further shift in this loading, in response to wave action, could have a devastating effect. This type of stabilized ship for mounting structures is not taught or suggested anywhere in Dysarz.

The combination with GB'607, relative to the use of four instead of three legs does not teach or suggest the claimed invention. This patent describes a barge which has legs extending through the hull for lifting the deck so that it is even with a quay. Again, the raising and lowering are used to position a platform at a height for transfer, not to stabilize a ship for use of a crane that transfers a load by lifting, pivoting and dropping the load alongside the ship. It is

difficult to find any teaching or suggestion or motivation for mounting support legs on the ship of Dysarz, as the legs there are on the structure to be lifted, not the ship, and simply adding four legs to the rig does not arrive at the applicant's invention.

Consequently, claims 1, 2 and 5-8 (9, 10 and 13-16) are patentable over Dysarz in view of GB'607 and the rejection should be withdrawn.

Claim 3 (11) was rejected over Dysarz as modified by GB'607 and further in view of Collins. Collins is cited as disclosing wire winches to control supporting legs and a hydraulic system. However, the combination with Collins still fails to teach or suggest the applicant's invention of legs with a ship for transporting objects which is stabilized by legs having displacing means for stabilizing the ship during loading and unloading of structures when using the crane. Consequently, the combination with Collins does not render obvious applicant's claim 11.

Claim 4 (12) was rejected over Dysarz as modified by GB'607 and further in view of Blandford. Blandford is cited as disclosing load cells used with a plurality of support legs. However, the load cells in Blandford are attached to tendons 17, which are not support legs, and are used to monitor the tension on the tendons. The structure is a floating structure, anchored by tendons to the ocean floor and these tendons cannot raise the platform at all and so the use of load cells with such tendons does not teach or suggest the use of load cells with the supporting legs used with the applicant's invention.

Based on the above amendments and remarks, reconsideration and allowance of the application is respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William J. Sapon', with a long horizontal flourish extending to the right.

William J. Sapon
Registration No. 32,518
Attorney for Applicant(s)

Coleman Sudol Sapon P.C.
714 Colorado Avenue
Bridgeport, CT 06605
Telephone No. (203) 366-3560
Facsimile No. (203) 335-6779